THE HON'BLE SRI JUSTICE A.GOPAL REDDY

WRIT PETITION No.7113 of 2001
and
W.P.M.P.No.10765 of 2001

Date: 22.08.2007

WRIT PETITION No.7113 of 2001
Between:

Wholesale Vegetable Merchant Society,
Karimnagar, Karimnagar District.

..... PETITIONER

AND

1. The Secretary, Agricultural Market Committee,
Karimnagar, Karimnagar District and others.

.....RESPONDENTS

W.P.M.P.No.10765 of 2001

Between:

Vegetable Market Small Farmers Welfare Association,
Karimnagar,

..... PETITIONER

AND

Wholesale Vegetable Merchant Society,
Karimnagar, Karimnagar District and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE A.GOPAL REDDY

WRIT PETITION No.7113 of 2001
and
W.P.M.P.No.10765 of 2001

ORDER:

The petitioner, Wholesale Vegetable Merchant Society filed this writ petition for issuance of writ of *mandamus* declaring the action of the respondents in attempting to dispossess and evict the members of it from the Main Vegetable Market Yard, Karimnagar, without giving any opportunity or notice, as illegal and arbitrary, and for a consequential direction to the respondents not to interfere with the functioning of the business conducted by its members.

It is stated that the petitioner-Society is having 60 members, who established their sheds in their respective places on the basements constructed by the third respondent-the Commissioner, Karimnagar Municipality, in the year 1977 with the oral permission granted by the then authorities and by paying the requisite charges to the Contractor, who became successful bidder in the auction conducted by the Municipality. The members of the petitioner-Society are continuing their business in their respective sheds. While so, the second respondent brought a resolution to the effect that the present vegetable market yard, where the members of the petitioner-Society are carrying on business, be shifted to Rythu Bazar. Accordingly, the third respondent, without giving any opportunity or issuing any notice to the members of the petitioner-Society, is taking steps to shift the vegetable market yard to the Rythu Bazar, where no specific facilities have been provided. Hence, the present writ petition.

This Court initially granted status quo on 13.04.2001. But, the

same was vacated on 07.06.2001.

The Vegetable Market Small Farmers Welfare Association filed W.P.M.P.No.10765 of 2001 to implead it as respondent No.6, which is ordered today. In the affidavit filed in support of the said W.P.M.P., it is stated that the Government of Andhra Pradesh has constructed the Rythu Bazars at Town Head Quarters and Urban areas for the farmers and allowed them to sell the vegetables directly to the people. In the said manner, a Rythu Bazar was constructed at Gandhinagar, Karimnagar, which is called as Weekly Market Rythu Bazar and the members of the petitioner-Association, which is impleaded as sixth respondent, were allotted places. But the public, who are accustomed to purchase the vegetables at the main vegetable market yard, are not purchasing the vegetables from the Rythu Bazar. The Government, after reviewing the situation, directed the third respondent-Municipality to take steps to protect the interest of the farmers. Therefore, the third respondent-Municipality has constructed the market yard at Weekly Market Rythu Bazar and resolved to shift the main market yard to Weekly Market Rythu Bazar for the interest of the small farmers, who grow the vegetables and sell the same in the Rythu Bazars to get remunerative prices.

When the matter is called for hearing, none appears for the petitioner-Society or for the impleaded party.

From the pleadings as referred to above, it is evident that the Government took a policy decision to establish Rythu Bazars in each District Head Quarters and Mandal Head Quarters for enabling the small farmers to sell the vegetables through the Rythu Bazars so as to receive remunerative prices for the vegetables grown by them. In view of the said policy decision taken by the Government, if the respondents wanted to shift the main market to the Rythu Bazar, the same cannot be interdicted under Article 226 of the Constitution of India.

The writ petition is accordingly dismissed. There shall be no order as to costs.

A. GOPAL REDDY, J

Date: 22.08.2007

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